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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,481	04/08/2004	Jeff Bleyaert	20770-RA2	7398

30184 7590 06/29/2005

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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,481

Applicant(s)

BLEYAERT, JEFF

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 19-21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 6, 10, 14-18 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/8/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claim 25 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected INVENTION, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 9, 2005.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 13 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Parker (U. S. Pat. 3,472,251).

Re claims 1, 13 and 25 Parker is cited disclosing a paint roller comprising an enclosure (17) dimensioned to received the paint roller, a collection reservoir (18'), and slot (as at 2).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker, Jr. in view of either Smith (U. S. Pat. No. 3,873,364) or Caywood (U. S. Pat. No. 3,126,899).

Claim 2 defines over Parker only in the recitation of the gutter. Caywood (as at 16) and Smith (as at 58) disclose the gutter, for capturing collect and channeling water. It

therefore would have been obvious to one having ordinary skill in the art to modify the

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device of Parker, to include a gutter as taught by either Caywood or Smith for the purpose of preventing the splashing of the user. Re claims 3 and 4, Parker discloses the support cradle (as at 18a). Re claim 5, to have the enclosure elliptical is deemed to be an obvious matter of design. The enclosures are the equivalents of each other (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE).

6. Claim 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker Jr. in view of Seiler (U. S. Pat. No. 3,608,120).

Claims 7 and 19 define over Parker only in the recitation of the scrubbing bristles. Seiler disclose the bristle as claimed. It therefore would have been obvious one having ordinary skill in the art to modify the device of Parker, to include bristles, as taught by Seiler, for the purpose of enhance the paint removal.

7. Claims 8, 9, 11, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker, Sr. over of Howe (U. S. Pat. No. 5,337,769).

Claims 8, 9, 11, 20 and 21 define over Parker only in the recitation of the mesh and/or densely packed bristles. Howe is cited disclosing the mesh screen for covering a slot. It therefore would have been obvious to one having ordinary skill in the art to modify Parker, to include the mesh as taught by Howe, for the purpose of ensuring the sealing of the enclosure. As for the bristles, to employ one type of sealing means over another is an obvious design choice in that they essentially two function in the same manner. Re claims 11 and 23, Parker and Howe also disclose the drainage slots.

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8. Claims 12 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Parker, Jr. in view of Kirchner, Jr. et al. (U. S. Pat. No. 4,446,590).

Claims 12 and 24 define over Parker only in the recitation of the inclusion of the soap/solvent. Kirchner discloses the inclusion of the soap (see fig. 5). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Parker, to include soap as taught by Kirchner, for the purpose of enhancing the cleaning process as is common in the art.

9. Claims 6, 10, 14-18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Higgins, Leach, Hobstad and Bixel, note the roller cleaners.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls

A handwritten signature in black ink, appearing to read 'F. L. Stinson', with a long horizontal line extending to the right.

FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746